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10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF OREGON

12 In re

13 Van's Aircraft, Inc.,

14 Debtor.

Case No. 23-62260-dwh11

**DEBTOR'S RESPONSE TO MR.
LARSON'S PROPOSED SCHEDULING
ORDER**

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16 Vans Aircraft, Inc. ("Debtor") responds to Matthew Larson's Proposed Scheduling Order
17 [ECF # 723] as follows:

18 Debtor and Mr. Larson agree on the deadlines to file (i) exhibit lists, (ii) hearing briefs,
19 (iii) designation of testimony to be presented by deposition, (iv) objections to witness testimony
20 to be presented by deposition, and (v) objections to authenticity of exhibits.

21 Debtor proposed a hearing date of June 6, 2025, at 10:00 a.m. Mr. Larson has not
22 confirmed if he is available that date or proposed an alternative date. Debtor requests that the
23 hearing be set for June 6, 2025, at 10:00 a.m.

24 Debtor and Mr. Larson disagree on the following:

- 25 • Debtor proposed that FRCP 26(a)(1) initial disclosures should not apply; Mr.
26 Larson proposed they should apply. FRCP 26(a)(1)(A) states that parties may stipulate or the

1 court may order that initial disclosures are not required. Debtor requests that the initial
2 disclosures not be required here because they are not proportional to the needs of the case, *see*
3 FRCP 26(b). Here, Mr. Larson filed proof of claim #501 for \$30,494.36 (including \$2,134.11 of
4 tax); the basis of the claim was “goods sold.” Debtor understands that after filing his claim, Mr.
5 Larson sold the airplane kits referenced in his proof of claim for \$20,800 such that the remaining
6 claim amount at issue and the nature of the claim does not warrant extensive discovery, including
7 automatic initial disclosures. As the Court pointed out during the December 3, 2024 status
8 conference, not requiring the initial disclosures does not otherwise limit the parties’ discovery
9 rights.

10 • Debtor proposed that witness lists should be filed 14 days before the hearing; Mr.
11 Larson proposed that witness lists should be filed 7 days before the hearing. Debtor requests that
12 this deadline be set for 14 days before the hearing so that the parties have adequate notice of
13 witnesses.

14 • Mr. Larson proposed that the parties file a joint statements of agreed facts 14 days
15 before the hearing. Debtor does not believe it would be cost effective or efficient to require a
16 joint statement of agreed facts in this case. Debtor is not opposed to the possibility of entering
17 into such a statement with Mr. Larson, to the extent possible, but does not believe it is
18 appropriate to require such a statement.

19 • Mr. Larson proposed deadlines for disclosing expert testimony 28 days before the
20 hearing and rebuttal experts 14 days before the hearing. For the reasons set out above, Debtor
21 does not anticipate experts are needed in this case. Nonetheless, to the extent Mr. Larson or
22 Debtor seeks to provide expert testimony, they should do so pursuant to the deadlines set out in
23 FRCP 26(a)(2)(D)(i) and (ii) and not on the shortened deadlines proposed by Mr. Larson.

24 Finally, Mr. Larson incorrectly states that Debtor refused to participate in settlement
25 discussions. Debtor has done so and, as the Court knows, Debtor suggested the parties
26 participate in settlement discussions with the aid of a settlement judge, which Debtor expects

1 will take place. Mr. Larson further misstates that Debtor submitted misleading FRCP deadlines
2 to Mr. Larson.

3 DATED: December 17, 2024.

4 TONKON TORP LLP

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6 By /s/ Ava Schoen

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